

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
1:23-CR-13-MR-WCM

UNITED STATES OF AMERICA )  
 )  
 v. ) ORDER  
 )  
 PAUL GORDON DAY, )  
 )  
 Defendant. )  
 )

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This matter came before the Court on May 1, 2023 following the submission of a letter (“Letter”) by Defendant *pro se*. Doc. 14. The Government was represented by Assistant United States Attorney John Pritchard. Defendant appeared with his attorney, Thomas Amburgey. This Order memorializes the Court’s actions taken during those proceedings.

**I. Competency**

Defense counsel indicated that though Defendant does have some mental health challenges, he believes that Defendant is competent. The Government likewise indicated that it had no concerns with regard to Defendant’s competency.

**II. Potential Self-Representation**

The Court then addressed the question, as raised by Defendant’s Letter, of whether Defendant wished to represent himself. At the request of defense counsel, and without objection from the Government, the courtroom and the

record were sealed, and the Court heard from Defendant and counsel.

Afterward, the courtroom and the record were unsealed.

Defendant stated that he wished to continue to be represented by Mr. Amburgey, who indicated that he was willing to continue representing Defendant.

Consequently, no action was taken relative to Mr. Amburgey's representation.

### **III. Request for Detention Hearing to be Re – Opened**

To the extent that Defendant's Letter may be read as requesting that the detention hearing previously conducted in this matter be reopened, Mr. Amburgey indicated that, while he may wish to make such a request in the future, he was not prepared to do so at the time.

Accordingly, to the extent the Letter is a *pro se* request for the re-opening of the prior detention hearing, it is procedurally improper under the Local Rules given that Defendant continues to be represented by counsel. Therefore, Defendant's request was denied. LCrR 47.1(g).

It is so ordered.

Signed: May 1, 2023



W. Carleton Metcalf  
United States Magistrate Judge

